19

19 40

Department of Revenue

OFFICE of the Board of Revenue

STATION Madras

Mis No. 2308.

F 7870

Dated 30. 8. 40

CHE
6 SEP 1940

Pages in the file

(SUBJECT.)

Survey - Town Survey - (Binary) - Bellary Munici[redacted]
S. Nos 504 A/A1 and A2. - Registry as village site
and cemetery boundoke - Petition from Sri V. Nar[redacted]
swami chetti - Dismissed.

COURT FEE ONE RUPEE

COURT FEE ONE RUPEE

he Board of Revenue ,Madras:

CFLR52/
R.P.238
F 7870

OFFICE OF THE BOARD OF REVENUE 16 DEC 1939 MADRAS

MADRAS

:- R.C/C. 4631/ 38 dated 24-8-1939 :(Thasildar,Bellary)

D-Dis.C.No.3384/39 A-3 dated 4-11-39
of the Dt.Collector,Bellary.

p 3 CF

REGIONAL OFFICER 4 APR 1940 MADRAS

Re: Survey Town - Bellary Municipality-
Kasturi Chetty land-S.No. 504/A/1 A/1 and A/2 -
retention as village site and cemetry pororboke -

The Humble petition of V.Narayana Chetty :alias
Narayanaswamy Chetty:-

Respectfully states:-

1. That the Order of the Dt. Collector dated 4-11-39- hereunto appended-, is contrary to law, and facts.

2. The observations of the learned Collector regarding the re-settlement ,lose all force in view of existing facts; that the Patta still stands in the name of your petitioner's grand-father,Kasturi Chetty as the very Head Note to the Order of the collector shows, " KASTURI CHETTY LAND"

3. In the absence of anything to show that the said survey No. was transferred to any one else ; or the fact that there has never till recently been any talk of a gift or other alienation to or in favour of the municipality,itself, should have sufficed to establish the claims of

your petitioner. On these grounds the request of the municipality ought to have been rejected.

4. The observation of the learned Collector that the land was not occupied and that no revenue was paid or cesses, lose all force. When it is seen it is a freehold and, a barzer.

5. If however the land were liable to any cess, and the cesses were in arrears there should have been a DEMAND for payment ; and it is not the case of the Collector that such Demand Notices had ever issued either to the petitioner or the Municipality who now seem to advance claims to it on the ground it would appear that they had occasionally carted away from it gravel for its use :

6. The observation regarding the taking of gravel cannot mean that the trespasser is the owner ; the remedies of the owner for damages are always kept open to him ; and that is another matter. On that "use" of the land the collector ought not to have incorporated the observations (1) that 504 A/1 belonging to this petitioner will , when applied for by the municipality be duly transferred - or meaning it ; & (2) leave open the door for litigation between the municipality & your petitioner - vide para 2 of the Order. /of the Court/

7. Your petitioner in the circumstances prays that the entire Record in the matter may be sent for and his claims to the said S-No. 504 A/1 be upheld, and the Order of the Dt. Collector of Bellary be vacated.

V. Narayana Swami Chetti
grandson of [illegible] Talwar V. Kasturi Chetti
Bellary

Proceedings of the Collector of Bellary.

A.D. Crombie Esq., C.I.E., I.C.S.,

D.Dis.C.No.3384/39 A-3 dated 4-11-1939.

Survey - Town Survey - Bellary Municipality - Kasturichetty land - S. Nos. 504 A/1 A/1 and A/2 - retention as village site and cemetry poramboke - orders passed.

Read: Bellary Rev. Divl. Officer's R.C. 6198/38 dated 29-7-1939 and 20-10-1939.

Bellary Tahsildar's R.C. 4632/38 dated 17-10-1939.

SUB-TREASURY 9 NOV 1939 BELLARY

Order.

The land in question i.e. S. Nos. 504 A/1 A/1 and 504 A/2, should be retained as village site and London Mission Cemetry porambokes respectively. If the parties viz the Bellary Municipality and the descendents of Sri Kasturichetty had any claims over this land, it was up to them to urge their claims at the time of the resettlement in 1924-25. The fact that no such claims were advanced by them coupled with non-occupation of the land without any paymept of revenue i.e., cesses for over three decades extinguishes all their alleged rights.

2. The question of alienating S. No. 504 A/1 A/1 to the Municipality will be considered if it chooses to apply for it; but in that case, it should pay any court costs arising out of litigation.

(by order)

P.S. 7/11. 7.11

Jzur Head Clerk. 7.11.39

To the Rev. Divl. Officer, Bellary with
(1) Collector's Dis. 1462 dated 20-11-95
(2) Mpl. Dis. 127 dated 31-1-11
(3) Spl. bundle No. 15 (p 1 to 48).

Copy to the Tahsildar, Bellary.

Municipal Commissioner, Bellary.

Sri V. Narayanachetty

(through the Tahsildar, Bellary)

C 4632/38 9 11.39

forwarded

10/11 10/11

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	9/4/40	[illegible]
When copied	10/4/40	[illegible]
When examined..	11.4.	[illegible]
When signed ..		
When despatched.	[illegible]	

SUBJECT:— Survey - Town Survey - (Bellary) - Bellary Municipality - Kesteri Chetty land - S. Nos 504 A/1 A/1 and A2 - Retention as village site and cemetery Poramboke - Orders of the Collr. - Cancellation - Petn. from Sri V. Narayanaswami Chetty.

READ AGAIN [illegible] dated [illegible] 19[illegible]

" " [illegible] " [illegible] 19[illegible]

READ *ALSO*:—

1-2 CF No. [illegible] From the Petr. , No. Mis , dated [illegible] 19[illegible]

" [illegible] " [illegible] " [illegible] " [illegible] 19[illegible]

" [illegible] " [illegible] " [illegible] " [illegible] 19[illegible]

~~Order~~ / ~~Ms. Rout.~~ No. 7870/39.1, dated 19.4 19 40

To

The Collr. of Bellary

with a petn. and encls. in orgl.

pp 1-4 CF to be sent pl

Forwarded to the Collr. of Bellary for ~~the~~ submission of the connected records with ~~and~~ any remarks which he considers necessary on the allegations in ~~of~~ the petitions which are not clearly dealt with in the ~~petition~~ records

9/4 10/4/40

[illegible]

F.870/39 7

F3456

C.F. 32.

REVENUE DEPARTMENT.

RP 170

In reply, please quote number, date and short title.*

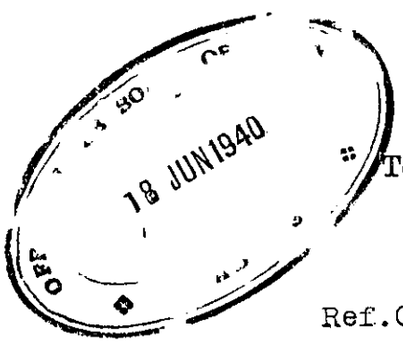
*Received*_____ *Registered*_____

From (Name) C.N.Tremenhere, Esquire.,

(Designation) Collector (In charge)

Post Box_____. (Station) Bell

*Telegraphic Address*_____



To

The Secretary to the Board of Revenue,
Madras.

Ref.C. *No.* 1716/40A-3, *dated* 14th June 40 19

Sir,

ENCLOSURES
Records by Regd Post.

SPARE COPIES

p 5 CF

Survey - Town Survey - (Bellary) Bellary Municipality Kasturichetty land - S.Nos. 504 A/1 A/1 and A/2 Retention as village site and cemetry porambоke orders ofthe Collector - Cancellation - Records submitted

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Board's Ref.F.No. 7870/39-1 dated 10-4-40

The history of the case is clearly dealt with in the Office Note contained at page 3 to 6 of this Office D.Dis.C. 3384/39 dated 4-11-39. I have no furtner remarks to offer. (B)

2. The records noted in the margin are enclosed for reference and return.

omit 1
pp 1-4 CF

* 1. ✓ Petitionof V.Narayanachetty received from the Board (Pages 3 to 6)
2. ✓ D.Dis.C. 3384/39 dated 4-11-39 (B)
3. ✓ Dis.No. 1462/20-11-95 — (A)
4. ✓ Special Bundle No. 15 — (C)
5. ✓ Bellary Municipal Dis. 127/31-1-11 — (V)

Yogalakshmaiah
15.6.40

For Collector.

m.k.15/6

15.6.

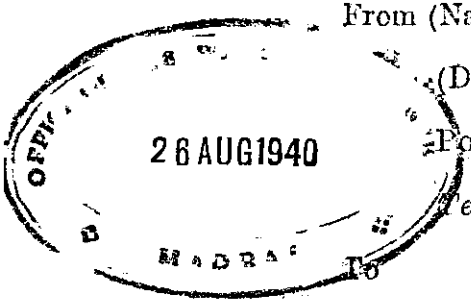
C.F. 32 (a).

In* ... lease quote number, date and short title.*

9

Revenue DEPARTMENT.

*Received*_____ *Registered* F4882



From (Name) A.D.Crombie Esq., C.I.E., I.C.S.

(Designation) Collector,

*Post Box*_____, (STATION) Bellary.

*Telegraphic Address*_____

To

The Secretary to the Board of Revenue,

MADRAS.

R.O.C. *No.* 1716/40-A3, *dated* 21-8-40. 193 .

Sir,

ENCLOSURES_____

SPARE COPIES_____

Survey - Town Survey - (Bellary)- Bellary Municipality - Kasturichetty land - S.Nos. 504 A/1, A/1 and A/2 - Retention as village site and cemetry poramboke - Orders of the Collector - Cancellation- Petition from Sri V.Narayanaswami Chetti.

Board's Ref.F.No.7870/39-1 dated 10-4-40.
This Office R.C.1716/40-A-3 dated 14-6-40.

I invite your attention to the references cited above and request that the orders, if any, passed in the matter may be communicated to me.

For Collector.

S.N.23-8-40

23.8.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	30/8	Ho
When copied ..	31/8	
When examined..		
When signed ..		Ho 4/9
When despatched.		

SUBJECT :— Survey - Town Survey - (Bellary) - Bellary Municipality - S Nos 504 A1 A1 and A2 - ~~Existing~~ Registry as village site and cemetery poramboke - ~~allowed~~ Petition from Sri V. Narayanaswami Chetti - dismissed.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

2 CF No. Petition From ~~Sri~~ V. Narayanaswami Chetty, No _____, ~~dated~~ _____ 19____ Q

CF " From the Collr. of Bellary Rep. C No. 1716/40-A3 dt. 14.6.1940 — Q to Collr. only.

" _____ " _____ " _____ " _____ 19____

~~Order~~ (Ms) Resolution ~~Rout~~ No. 2808, dated 30-8-1940

The Board sees no reason to interfere with the orders of the Collr. The petition is ~~therefore~~ dismissed.

2. With refce. to para 2 of this order D-Dis. C. 3384/39-A3 dated 4.11.1939,

2/) The Collr. is informed that Govt. need not alienate the land S.No. 504 A1 A1 to the Bellary Municipality and involve themselves in a suit, though the Municipality agrees to bear the cost of litigation.

To

The petitioner
Sri V. Narayanaswami Chetty
Grandson of Late Tahsildar V. Kasturi Chetty
Bellary through the Collr. of Bellary.

Para one only.

The Collr. of Bellary (whole).
with records as per list. by R.P.
Items 2 to 5 at p. 7 CF to be copied & sent bl.

28/8

28/8/40

Pl a

No. 033

For Insurance Notices see reverse.
Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgment is due.

Rs. As.

Date-stamp.

Received a registered * _____

addressed to _____

_____

_____

_____

Initials of Receiving Officer.

...te here "letter," "postcard," "packet," or "parcel" with the word "Insured" before it when ...

If insured { *Insured for Rs. (in figures)* _____ *(in words)* _____

Insurance fee Rs. _____ *As.* _____ *(in words).* | *Weight* | *Rates* | *Tolas*

Name and

20,002—10-10-38.

ADSL

PETITION NOTE FILE. F 7870/39

SUBJECT.— Survey - Town Survey - (Bellary) - Bellary Municipality - Kasturi Chetty land. S. Nos 504 A/1 A/1 and A/2 - Retention as village site and cemetery Poramboke - Orders of the Collector. Cancellation - Petn. from Sri V. Narayanaswami chetty

DATE OF RECEIPT.— 16.12.39

NOTE.—If the answer to any of the questions noted below admits of a simple and direct answer, this answer should be noted against the question. Where the answer is in doubt and requires discussion and orders, the words "see below" should be entered instead and the question dealt with in the body of the Office note, under the numbered heading which will be repeated for the purpose.

1. Nature of Petition? (Original, appeal, or revision.) — Appeal

2. Under what statute, law or other provision, is it preferred? — B. S. O. 172 para 8(ii) page 943 of BK 71.

3. In cases of appeal or revision—Authority on which original (and lower appellate) orders were passed. — (Bellary Colr's order P 3 D. Dis C No 3384/39 A 3 of 4.11.39 General powers of revision

Under what authority does the Board entertain this petition? — General Powers of Revn.

5. *Stamps* (Quote case).

(*a*) Is the petition with enclosures properly stamped ?

yes. Note I to para 6 of S.O 1 p. 940. of Bk 71.

(*b*) If exempt from stamp duty, state authority.

6. *Limitation*—

(*a*) Is the petition in time—State time allowed—With authority ?

yes. Three months from 4.11.35 the date on which the orders of the Coll. were passed. B.S.O. 172-8(ii) p 943. Bk 71.

(*b*) If the petition is time-barred—

I. Is there authority to condone delay ?

II. If so, state here any grounds adduced for condonation.

Nil.

7. *Miscellaneous.*—Are there any other technical points for consideration ? If so, state them briefly.

The petr. prays that the order of the Coll. of Bellary (viz., that S. Nos. 504 A/1 A/1 and 504 A/2 should be retained as village site and London Mission Cemetery ground respectively) may be cancelled, and that his claim to the S No 504 A/1 upheld. ~~The petr. ought to have~~ If the petr. had any grievance, he ought to have raised objection during the time of the survey and resettlement of the land in question in 1924-25. He has not done so. Now his request regarding his claim to the S. No. 504/A1 is time-barred. Further the Bd. has no jurisdiction in the matter. He should go to a Civil court of Law to get redress.

For orders whether the petr. may be informed that the Board sees no reason to interfere with the orders of the Coll. and that the petition is rejected.

M
9/3
Regd.

14.3.40

A.S. (Left.)

The petr's contention seems to be that S.No. 504 A/1 is his freehold title patta for which still stands in the name of his late grandfather Late Mr. Kasturi Chetti and that its registry in Records as perambale (Village site & Cemetery) is wrong. The Bellary Hqlty also seems to claim the land or part of it. The resurvey at which the land was registered as pbke having become final many years ago,

it is clearly inadvisable to open the question of ownership which had been raised at the time of resurvey.

Was the Settlement of
result in 1924-25: It must
have been preceded by
a survey. Please find
out when this took
place and whether it
was under the 1923
Act or the earlier
S+B Act. If the latter
it cannot be binding
on the peher and
as for result it has
o legal force. has
16/3/26

2/5 (Sett)

Routine Note

Asst
Thro' DS
Ree
20/3

A.D.S.R.

Please see the query of the A.S. The A.D.C.O may be requested to state when the survey of the Bellary Municipality was conducted.

20/3
18/3
Ag/App

Note of N.R.

The survey of Bellary Taluk was in 1888 on the system of triangles and the result reported was on the survey of this being no subsequent resurvey

of the Calcutta. The survey of Bally Municipality carried out under G.O. No. 367 Ms dated 13.2.37 is in progress and it has not become final.

---Hough Re survey---

Ov 20/3/40 20/3 that is now in force is Re one conducted under the old Act--, as it was so early as 1888, a correction of the registry made over 50 years ~~back~~ ago does not now seem desirable. Further, as noted above, a town survey is now in progress and the pets can apply to the survey offr. Perhaps at the time of the result in Cg 24-25 myk patta was issued to the pets and he should choose then to contest their correctness. Probably because of this, the Govt in this order at p 3 of refers to the result. Any how the Bd's intervention at this stage does not seem called for.

31.3.40

A.S. (Sett.)

The survey which was under the old Act not being legally binding on the party and there being no indication in the Collr's order of any part of the land having been acquired under the L.A. Act, a report may be called for from the Collr. MS 3/4/40

L. S

p 3q

Issued as Board's Rey F 787o/38-1 of 10.4.40
From the Colls. of Bellary Rey C 1716/40-A3 of 14.6/40

ADS(LR)

Perusal is solicited of the notes at pp 3-6 NF of the Colls. D. dis C No. 3384/38 of 4.11.38

For orders whether, in the circumstances reported by the Colls. at p. 6 NF of his D dis C No. 3384/38 of 4.11.38, the Board may agree with the Colls. that the land in question S Nos. 504 A/1 - A/1 and 504 A/2 may be retained as village site and London Mission Cemetery poramboke respectively and reject the petn. of Narayanaswami Chetty

8/7

H DS (LR)

A revised note is submitted as per the oral orders of the A DS (LR).

This is an appeal petition against the order of the Coll.r of Bellary ~~rej~~. that S Nos 504 A1 A1 and 504 A2 should be retained as village site and London Mission Cemetery Poramboke respectively. The petitioner's contention seems to be that S.No 504/A1 is his freehold, the patta for which still stands in the name of his late grandfather Sri Kasturi chetty and that its site or London Mission cemetery Poramboke registry as village is wrong.

The fact of the case is given at pp. 3-6 NE of the Coll's. D. Dis C. No 3384/39 of 4.11.39 B.

It will be seen that Kasturi Chetty, the grandfather of the Petr. purchased 15.97 acres of land from Messrs. Symes & Co. in Bellary Town in 1875. The land is said to have been granted as a freehold to the said Co. in 1870. The transfer was not carried out in the Rev. Accounts, though the Tahsildar of Bellary was directed to effect the necessary changes in the accounts. The Spl. Officer, Town Survey presumes that the land must have been afterwards given away to the Municipality, as it finds place in the Municipal regr. of immoveable property ~~and~~ ~~as it was used as a general quarry~~. But the

pp 1-2 c

2-3 of A.

p. 2-3 of A.

p. 27 of A

p. 4 of B

Municipality is not able to produce any document to prove that the land has been vested by or gifted to it. The reasons advanced by the Municipality for claiming the disputed plot are based upon surmises. Please see the comm'r's letter at p. 17 CF of (B).

The Tahsildar of Bellary recommended the registry of the land in the name of the Pet. on the ground that the inventory of the Municipal property cannot be recognised as a deed for the conveyance of the Property. But the R.D.O. reported that the claims of both the Municipality and the Petr. are not valid as none of them paid any revenue to the Govt and he recommended that the existing registry of the land (viz., village site + L.M.C. Poramboke) might be allowed to continue. The Collr. agreeing with him has passed orders accordingly. The Collr. has also stated in his order that the question of alienating S. No. 504 A/1 A/1 to the Municipality will be considered, if it chooses to apply for it.

The transfer consequent on the transaction for by Kasturi Chetty the purchase of the disputed land from Messrs Dymes & Co. ought to have been carried out in the Revenue Accounts. But this was not done (So no cesses were demanded by the Govt. Further, the Municipality presumption of the Spl. Officer, Town Survey, that the land has

been given away to the Municipality ~~is~~ cannot be ~~taken into Consideration~~ accepted; as the Municipality is not able to produce ~~in support~~ any document to prove that the land has been gifted to it. ~~For orders whether, in the circumstances, the Board may agree with the recommendation of the Tahsildar of Bellary that the registry of the land may be made in the name of the Petr.~~ The Collr. may be requested to state whether any rough pattas were issued to the petr. at the time of the resettlement in 1924-25 and ~~if so, whether any~~ acknowledgment was obtained and what action was taken at the time in respect of this land

For orders.

25.7.40

agreed.

25.7.40

AS (Self)

1. No further
Leave to Appeal should be
made

2 The order dated
Sentence passed & grounds
Cons's order is very strong
& comprehensible.

3. Pl. have for
the records available here
(a) Such information as to the
nature of employment in the
bank for over 12 years
& (b) Treatment at Lord
Ashcroft
& part in the

Order Rec
26/7

T. J
AOJLR

AOJLR

Further note submitted with reference to J. S.'s notes in the slip overleaf.

10/8
12/6

SLO :)
DS LR

ADS LR (Further ~~not submitted with respect to F's as~~ in the steps attached) (in the files here)

No information is available regarding the nature of enjoyment in the land for over 12 years. There is a file of 1911 (D) which shows that the municipality leased the land for quarrying.

Kasturi Chetty purchased the land from Messrs Dymes & Co. in 1895. The transfer consequent on the purchase of the land should have been carried out in the Revenue Accounts. But it was not done, though the Taker of Bellary ~~issued a~~ ~~erratum~~ was ordered to have the necessary changes effected in the accounts.

There is also no information regarding the alleged gift of the land to the Municipality. Nor is the Municipality able to produce any document to prove that the land has been acquired by or gifted to it.

The R.D.O. Bellary reports that the land has not been occupied, that cesses have not been collected. He also says that the descendents of Kasturi Chetty never claimed the land before. It is also stated ~~For orders~~ that the ~~m~~ has also paid no cess even though it leased the land for gravel quarrying: para 7. p31 (B)

9/8

At last week the land 50 A 1. A was registered

as my note was in a similar way parab. p 8

As neither the Mcty or the petr. has produced [A]
proved their title to the deeds the possessory may stand. The Cab. need not
allocate the Land 5274 A/R to the municipality
and entitles themselves in a suit, though
the municipality agrees to bear the cost
of Enfranchisement, as the Colony directed in this [B] para 2,
case. The Bd may say so and refer
the both of orders to the Colony.

Dr
15/8/40

Dr
15/8/40

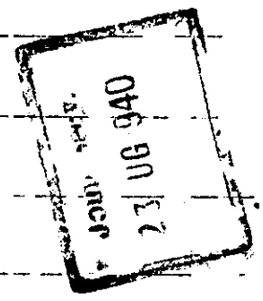
Ellen
16/8

hnb
17/8/40
A. S. (Actg.)

J. S

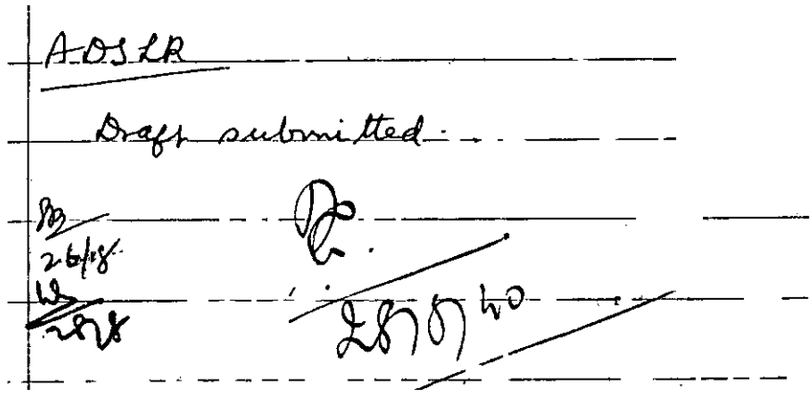
M-1

The Board may accept A and dismiss the petition
The Board may accept B, and inform the Colony
accordingly (& note the petitioners also).



Ald.
21-8-40

M1 22/8


A.O.S.L.R
Draft submitted
26/8

Mis 2308

30.8.40

~~Full Board.~~ Single Member

	I:A.	A.D.S. & L.R.	Asst. Secretary L.R. Sett:	Jt. Sep. Rev.	Secy.	Secy.	M 4	M 3	M 2	M 1
1. Open file seen by		✓		✓		✓				
2. Final draft seen by		✓								
3. Now circulated to										
4. Initials.										

Passed for record.

~~Secretary~~
~~Jt. Secretary~~

~~A.S. (C.W.)~~

~~A.S. (L.R.)~~

A.S. (Sett.) ⟶ MW 7/9

~~A.S. (Excise)~~

~~A.D.S. & L.R.~~

~~I-A.~~

Note - Entries not required to be scored out.

SB WS 6/9/40